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**Document Filed Electronically**

November 26, 2019

District Judge Kimba M. Wood, U.S.D.J.  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**MEMO ENDORSED**

Re: *Publicis Media Limited, et al. v. Moxie Software, Inc.*  
Civil Action No. 18-cv-10385-KMW

Honorable Judge Wood:

We represent the Plaintiffs, Publicis Media Limited and Moxie Marketing Services LLC ("Publicis") in the above referenced matter. In response to Publicis' complaint, Defendant Moxie Software, Inc. ("Moxie Software") filed a motion to dismiss. (Dkt. 21.) The parties requested a short extension of the opposition and reply to such motion, to December 3 and December 17, respectfully, which Your Honor granted. (Dkt. 26.)

In lieu of a response to the motion to dismiss, Publicis is considering amending its complaint as of right pursuant to Rule 15(a)(1)(B). Such an amendment would be due 21 days after the motion to dismiss was filed, or today, November 26. To the extent that Your Honor's extension of the response to the motion to dismiss did not extend the date to amend under Rule 15, Publicis and Moxie Software have agreed that the time within which Publicis can amend is extended one week to December 3, so as to align with Publicis' opposition to the motion to dismiss. To the extent the Court believes this should be So Ordered, Publicis respectfully requests the Court do so.

In the event Publicis amends its complaint, it will coordinate with Moxie Software as to the procedural posture of the motion to dismiss, and contact the Court as to the status.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
Attorneys for Plaintiffs Publicis Media Limited  
and Moxie Marketing Services LLC

By: s/Charles P. Kennedy

Charles P. Kennedy

12-2-19  
SO ORDERED, N.Y., N.Y.  
Kimba M. Wood  
KIMBA M. WOOD  
U.S.D.J.